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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,408	07/21/2000	Charles Andrew Lowry		4087

7590

02/20/2004

Charles Andrew Lowry
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American Fork, UT 84003

EXAMINER

SAVAGE, MATTHEW O

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,408

Applicant(s)

LOWRY, CHARLES ANDREW

Examiner

Matthew O Savage

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

The office action mailed on 10-1-03 is being reissued due the fact that it had been mailed to an incorrect address and because Mr. Lowry, during a telephone voice mail message delivered on Saturday, January 24 to the examiner, had stated that he had not received the office action. The instant action will be mailed to the new address specified in the communication from applicant filed on 8-20-02.

This application contains eight patently distinct species that correspond with the drawing Figures as follows: Species 1 corresponds to FIGS. 1-4; species 2 corresponds to FIGS. 5-8; species 3 corresponds to FIG. 9; species 4 corresponds to FIG. 10; species 5 corresponds to FIGS. 11-14; species 6 corresponds to FIG. 15; species 7 corresponds to FIGS. 16-19; species 8 corresponds to FIG. 20.

Claims 1-10 are generic to a plurality of disclosed patentably distinct species as set forth above. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Mr. Charles Lowry on 7-31-03 a provisional election was made with traverse to prosecute the invention of species 7 shown in FIGS

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14-19, claims 1-10. Affirmation of this election must be made by applicant in replying to this Office action.

The amendment filed on 8-4-03 has not been entered since it failed to comply with the revised amendment practice that became effective on 7-30-03.

The disclosure is objected to because of the following informalities:

On line 7 of page 12 of the specification, "24" should be changed to -26--;

On line 16 of page 13 of the specification, "38" should be changed to -22--;

On line 3 of page 17 of the specification, "16" should be changed to -18--.

Appropriate correction is required.

The drawings are objected to because:

The lead line for reference number 16 added to point out the lower seal;

The lead line for reference number 40 must be corrected to point out the attachment structure between the lower end of the block and upper end of the filter.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to define the structure associated with the "attachment means" recited in claims 1 and 7.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 1 and 7, is unclear as to what structure "attachment means" implies.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by de Sylva.

With respect to claim 1, de Sylva discloses an evaporation chamber 104 (see FIG. 4), and attachment means (e.g., defined by the spin-on filter) for directly mounting the evaporation chamber to a liquid source 108.

Concerning claim 2, de Sylva includes an inlet 116 to the evaporation chamber 104.

Regarding claim 3, de Sylva discloses an outlet 82 from the chamber.

As to claim 4, de Sylva discloses a vent 106 to vent airborne contaminants from the chamber.

Regarding claim 5, de Sylva discloses a plurality of liquid communication channels 116 adjacent the chamber.

As to claim 6, de Sylva discloses a filter 114 adjacent to the evaporation chamber.

With respect to claim 7, de Sylva discloses a housing 103 encompassing a chamber 104, an inlet 116 to the chamber, a liquid source 108 outside the chamber, an outlet 82 from the chamber, a vent 106 in the chamber, and attachment means (e.g., defined by the spin-on filter) for directly mounting the housing to a liquid source.

Concerning claim 8, de Sylva discloses a filter 114 mounted to the housing.

As to claim 9, de Sylva discloses a plurality of liquid communication conduits extending through the housing for communication to and from the filter (e.g., the inlet passages defined by the spin-on filter, and passages 116).

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Regarding claim 10, de Sylva discloses a device including an evaporation system 100 that mounts in the place of a standard filter (e.g., a standard spin-on filter).

A claim specifying the following would be allowable over the art of record:

An apparatus for connecting a liquid filter to a liquid source and for separating volatile contaminants from the liquid, comprising:

- a cylindrical block including a first end and a second end and a radially outer peripheral surface;

- a central outlet bore extending from the first end to the second end of the block;

- an inlet passage radially spaced apart and isolated from the central bore and extending from the first end to the second end of the block;

- an annular evaporation channel formed into the first end of block and located radially outwardly from the inlet passage and having a base surface spaced from the second end of the block;

- a cover on the first end of the block for closing the evaporation channel;

- a purified liquid outlet channel adjacent the base of the annular channel and extending the outer peripheral surface of the block;

- a metering orifice isolated from the inlet passage and extending from the central bore to a portion of the annular channel that is spaced above the purified liquid outlet channel such that a thin film of oil is formed on a surface of the evaporation channel;

a vapor vent channel extending from part of the annular channel that is positioned above the purified liquid outlet channel and extending to an outer peripheral surface of the block;

whereby the first end of the block is attached to the liquid source such that a contaminated liquid is directed into the inlet passage and purified liquid is returned to the source via the central outlet bore, whereby the second end of the block is attached to an end of the liquid filter such that contaminated liquid is directed into the filter and partially purified liquid is directed from the filter into the central outlet bore, whereby partially purified liquid from the central outlet bore is directed into the annular evaporation chamber via the metering orifice, whereby volatile contaminants are separated from the partially purified oil in the evaporation chamber, and whereby purified oil exits the evaporation chamber via the purified liquid outlet and volatile contaminants exit the evaporation chamber via the vapor vent channel.

It is suggested that several dependent claims be added claiming the liquid source and filter and the distinct aspects of species 1-8.

Applicant is encouraged to contact the examiner via telephone to formulate an examiner's amendment to place the application in condition for allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is 703-308-3854. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on 703-308-0457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Matthew O Savage
Primary Examiner
Art Unit 1723

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January 28, 2004